

STATE OF CALIFORNIA

Public Utilities Commission  
San Francisco

**M e m o r a n d u m**

**Date:** May 16, 2006

**To:** The Commission  
(Meeting of May 25, 2006)

**From:** Delaney Hunter, Director  
Office of Governmental Affairs (OGA) — Sacramento

**Subject:** **SB 351 (Soto) – Railroads: derailment evacuation plans and training**  
As Amended August 15, 2005

**LEGISLATIVE SUBCOMMITTEE RECOMMENDATION:** Support

**SUMMARY OF BILL:**

This bill would require local government “disaster councils” to develop rail derailment evacuation plans for populated neighborhoods adjacent to a high-volume railroad track and to establish evacuation training programs and drills. This bill would also authorize local legislative bodies (e.g., cities and counties) to assess and collect charges to pay for these evacuation plans, training programs, and drills on rail carriers in proportion to their use of the track or by such other means as the local legislative bodies determine to be fair and reasonable.

**SUMMARY OF SUPPORTING ARGUMENTS FOR RECOMMENDATION:**

Over the past several years there have been numerous derailments and hazardous materials spills in California, particularly Southern California, requiring emergency responses from local fire and police agencies and evacuations of local residents. Local emergency responders must be trained and drilled in evacuation procedures throughout the state because railroads carry hazardous materials, including explosives, on lines throughout urban, suburban, and rural California.

**DIVISION ANALYSIS (Legal/CPSD):**

Recently there have been several large accidents/derailments that have brought to light the lack of comprehensive planning and emergency response when dealing with these potentially serious incidents. Below is a list of such incidents:

- In the City of Commerce, California, June 20, 2003, the Union Pacific Railroad Company (UPRR) intentionally derailed a runaway string of rail cars resulting in the destruction of residences. An evacuation response program might have limited the likelihood of serious injuries or fatalities to local residents. No evacuation was ordered before the derailment but following the derailment and freight spill, 150 people were evacuated. Damage was estimated at \$2.4 million.<sup>1</sup>
- On September 17, 2004, at Calipatria, California, an eastbound UPRR freight train, operating at an estimated 35 miles per hour, struck the rear of a standing freight train because a switch was left open. As a result, a precautionary evacuation was ordered.<sup>2</sup>
- On October 16, 2004, a UPRR freight train operating at 57 miles per hour in Pico Rivera, California, derailed 11 cars. Again, a precautionary evacuation was ordered since three of the containers indicated hazardous materials content. (Ibid.)
- On April 5, 2005, at Rialto, California, a northbound mixed freight train, operating at an estimated speed of 25 miles per hour, derailed 13 cars including several tank cars carrying hazardous materials. A precautionary evacuation was ordered.<sup>3</sup>
- On May 10, 2005, the Heber Valley Railroad excursion train stalled while en route from Heber Yard, California, and while stopped, was struck in the rear by an empty runaway passenger rail car. The rear car of the standing passenger train derailed and four passengers and an on-board service crewmember were injured. There was a hazardous materials release and an evacuation. (Ibid.)

## LEGISLATIVE HISTORY:

Unknown

## FISCAL IMPACT ON CPUC:

None

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<sup>1</sup> National Transportation Safety Board, Railroad Accident Brief, City of Commerce derailment June 20, 2003, 11:58 a.m., DC-03-FR-005 (April 7, 2004).

<sup>2</sup> See: <http://www.fra.dot.gov/downloads/Safety/jan05accsum.pdf>

<sup>3</sup> See: <http://www.fra.dot.gov/downloads/Safety/080105trainaccsum.pdf>

**STATUS:**

SB 351 is currently in the Assembly Local Government Committee – no hearing date has been set.

**SUPPORT/OPPOSITION:**

**Support:** None on file.

**Opposition:** None on file.

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**Date:** May 16, 2006

**BILL LANGUAGE:**

BILL NUMBER: SB 351      AMENDED  
BILL TEXT

AMENDED IN ASSEMBLY    AUGUST 15, 2005  
AMENDED IN ASSEMBLY    JULY 13, 2005  
AMENDED IN ASSEMBLY    JUNE 27, 2005  
AMENDED IN SENATE      APRIL 13, 2005

INTRODUCED BY    Senator Soto

FEBRUARY 16, 2005

An act    to add Section 50035 to the Government Code,  
relating to railroads.

LEGISLATIVE COUNSEL'S DIGEST

SB 351, as amended, Soto    Railroads: derailment evacuation plans  
and training.

Existing law establishes the safety division of the Public Utilities Commission. The safety division is responsible for inspection, surveillance, and investigation of the rights-of-way, facilities, equipment, and operations of railroads and public mass transit guideways, and for enforcing state and federal laws, regulations, orders, and directives relating to transportation of persons or commodities, or both, of any nature or description, by rail. Existing law requires the commission to require every railroad corporation operating in this state to develop, in consultation with, and with the approval of, the Office of Emergency Services, a protocol for rapid communications with that office, the Department of the California Highway Patrol, and designated county public safety agencies in an endangered area if there is a runaway train or any other uncontrolled train movement that threatens public health and safety. Existing law requires a railroad corporation to promptly notify the office, the department, and the public safety agencies, through a communication to the Warning Center of the office, if there is a runaway train or other uncontrolled train movement threatening public safety, in accordance with the developed communications protocol.

*Existing law sets forth the powers and duties of legislative bodies of cities, counties, and cities and counties and authorizes the undertaking of legislative actions by ordinance.*

*The existing California Emergency Services Act authorizes cities, counties, and cities and counties to establish disaster councils by ordinance, to develop plans for meeting any condition constituting a local emergency or state of emergency, including earthquakes, natural or manmade disasters specific to that jurisdiction, or a state of war emergency.*

~~This bill would state the intent of the Legislature to authorize a city, county, and city and county to develop rail derailment evacuation plans for populated neighborhoods adjacent to a high volume railroad track, to have evacuation training and drills,~~

~~and to obtain reimbursement for costs incurred through fees charged to railroad corporations using the track—~~ authorize the legislative body of a city, county, or city and county to develop rail derailment evacuation plans for populated neighborhoods adjacent to a high-volume railroad track and to establish evacuation training programs and drills. The bill would authorize the legislative body of a city, county, or city and county to delegate this authority to a local disaster council. The bill would authorize the legislative body of a city, county, or city and county to fix and collect charges to pay the costs of developing rail derailment evacuation plans for populated neighborhoods adjacent to a high-volume railroad track and for evacuation training programs and drills, including charges that vary between rail carriers by apportioning the total cost to correspond to the volume of use of the track by the various rail carriers or by any other means of apportioning costs that the legislative body determines is fair and reasonable .

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 50035 is added to the Government Code, to read:

50035. (a) The legislative body of a city, county, or city and county may develop rail derailment evacuation plans for populated neighborhoods adjacent to a high-volume railroad track and may establish evacuation training programs and drills. The legislative body of a city, county, or city and county may delegate its authority pursuant to this subdivision to a local disaster council established pursuant to Section 8610.

(b) The legislative body of a city, county, or city and county may fix and collect charges to pay, in whole or in part, for the costs of developing rail derailment evacuation plans for populated neighborhoods adjacent to a high-volume railroad track and for evacuation training programs and drills. The revenue obtained thereby may be in lieu of, or supplemental to, revenue obtained by the levy of taxes or other methods. The charges may vary between rail carriers by apportioning the total cost, not otherwise offset by other available revenue, to correspond to the volume of use of the track by the various rail carriers. Alternatively, the governing board may apportion the total cost by using any method which it determines to be fair and reasonable in apportioning the expense of responding to potential threats to the health and safety of persons living and working near the high-volume railroad track.

~~SECTION 1. (a) It is the intent of the Legislature to authorize a city, county, and city and county to develop rail derailment evacuation plans for populated neighborhoods adjacent to a high volume railroad track and to have evacuation training and drills.~~

~~(b) It is the further intent of the Legislature to authorize a city, county, and city and county to obtain reimbursement, through fees, for the costs incurred in creating a rail derailment evacuation plan and for evacuation training and drills, from the railroad~~

~~corporations using the railroad track.~~